

In re Appln. of Timothy C. Sowell
Application No. 09/418,943

IN THE CLAIMS

Please amend claim 1, as follows:

- B1
1. (Amended) A method for charging customers for use of software comprising the steps of:
- establishing a use-based pricing scheme for a set of software modules;
 - distributing the set of software modules to a customer, wherein the set of software modules comprise at least one object class from which objects are instantiated on a customer system;
 - monitoring customer use of the software modules; and
 - charging the customer according to use of the distributed software modules as determined during the monitoring step, wherein software usage is measured according to object instances created from the at least one object class.

Please delete claim 13.

Please amend claims 16, 31, 33, 34, 37, 42 and 53 as follows:

- B2
16. (Amended) The method of claim 1 wherein the monitoring step comprises determining a time duration that an object instantiated from a software module is active.

- B3
31. (Amended) A method for vending software in the form of software modules via electronic commerce channels comprising the steps of:
- maintaining an electronic commerce site including a software module selection interface, the software module selection interface enabling a customer to request a software module for use at a customer site, wherein the software module comprises at least one object class from which objects are instantiated on a customer system;
 - providing a software module management framework to the customer for installation at a customer site, wherein the management framework includes components for registering use of the software module at the customer site; and
 - charging the customer based upon registered use of the software module, wherein software module usage is measured according to object instances created from the at least one object class.

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B4 33. (Amended) The method of claim 31 wherein the use of the software module comprises creating an instance from the software module.

34. (Twice Amended) The method of claim 31 wherein registering use of the software module provides a measure of throughput of an industrial process.

37. (Amended) A method for charging customers for use of software comprising the steps of:

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providing a set of individually identifiable units of software comprising at least one object class from which objects are instantiated on a customer system;
individually pricing ones of the set of individually identifiable units of software;
authorizing use of the executable software; and
charging a customer based upon use of selected ones of the set of individually identifiable units of software, and wherein software usage is measured according to object instances created from the at least one object class.

42. (Amended) A method for charging customers for use of software comprising the steps of:

first providing a set of software modules for software customers, wherein the set of software modules comprise at least one object class from which objects are instantiated on a customer system;

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second providing a software licensing facility including a brokering facility through which software customers pay for software execution units, and wherein the brokering facility includes a set of software customer accounts; and

charging a software customer account a number of software execution value units based upon the value of software modules utilized by a customer, and wherein software module usage is measured according to object instances created from the at least one object class.

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87 53. (Twice Amended) A memory containing a software module structure facilitating automated distribution of software to customers, the software module structure comprising:

- a supplier identification;
- a product description;
- a billing definition; and
- an executable program module including at least one object class from which instantiated objects are rendered.

Please insert new claims 74-77 as follows:

74. (New) The method of claim 11 wherein the registered uses of a software module are measured according to creating an object instance from the software module.

88 75. (New) The method of claim 42 wherein the use of the software module comprises executing an object instance created from the software module.

76. (New) The method of claim 42 wherein the use of the software module comprises creating an object instance from the software module.

77. (New) The method of claim 42 wherein registering use of the software module provides a measure of throughput of an industrial process.

REMARKS

The Office Action dated February 5, 2002, and the references cited therein have been carefully considered. Claims 1-12, 14-44, 53-55 and 74-77 are presently pending. No claims currently stand allowed, and Applicant's previous remarks have been deemed moot in view of the new grounds for the rejection set forth in the February 5 Office Action. In view of the amendments to claims 1, 16, 31, 33, 34, 37, 42, and 53 and the reasons set forth herein below, the pending claims are patentable over the prior art presently known to the Applicant. Accordingly, Applicant requests favorable reconsideration of the previous rejection of the now pending claims.